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Civil Rights Compromise Stronger Than Kennedys Wanted

One way to begin an examination of the compromise civil rights bill is with a passage censored out of John Lewis's speech to the August 28 March on Washington by pro-Administration forces. The head of the Student Non-Violent Coordinating Committee had wanted to say:

We have learned, and you should know, since we are here for Jobs and Freedom, that within the past 10 days a spokesman for the Administration appeared in secret session before the committee that is writing the civil rights bill and opposed and has almost killed a provision that would have guaranteed in voting suits for the first time fair Federal judges. And I might add, this Administration bill, or any other civil rights bill, will be totally worthless when administered by racist judges, many of whom have been appointed by President Kennedy.

Curbing the District Judges

The fact is that among the provisions the Administration did not want but was forced to accept in the compromise bill is the one referred to by Mr. Lewis. The Administration wanted all suits involving the appointment of voting referees heard in the Federal district courts. Many of the District Judges, including some appointed by Kennedy, are racists. The compromise bill would deprive these judges of their power to drag their heels in such suits. It calls for the submission of voting right suits to a 3-Judge court to be named by the Chief Judge of the Circuit with expedited procedure and a direct appeal to the Supreme Court. While the compromise bill waters down the voting provisions of the subcommittee bill by making these applicable only to Federal elections, this new procedure would at last make workable the existing voting referee provisions of the 1960 Civil Rights Act which apply to State as well as Federal polls.

The compromise bill, while weaker than the subcommittee bill, is a good deal stronger than the Administration bill. The compromise contains a number of provisions absent from the Administration bill. Among these is a Fair Employment Practices Commission; this FEPC would not be as strong as in the subcommittee version, which would have allowed it like other regulatory commissions to issue orders enforceable in the Courts of Appeal. It must act through the District Courts but it has the option of filing its suits either where the violation occurred or where the company's or union's main office is located. This means that big national concerns can be sued in the North. The Administration did not want a Title III allowing the Attorney General to enforce civil rights of all kinds; Title III of the compromise is stronger than Robert Kennedy wanted though not as strong as the subcommittee bill. The Administration didn't want a permanent Civil Rights Commission, as provided by the compromise. Nor the provisions for a census to reduce the South's representation in Congress if it continues to violate Negro voting rights. Nor the invocation of the 14th amendment as well as the commerce clause, a move which widens the orbit of enforcement.

The compromise bill was sold to the press by the Attorney General as a victory for reason and bipartisanship. The fact is that it illustrates the value of militant action. In the Judiciary subcommittee, the Young Turks like the Democratic Kastenmeier of Wisconsin and the Republican Lindsay of New York by raising the ante forced the Administration to accept more than it wanted. It had to do so because there were enough votes in the full committee to vote out the subcommittee bill; the Republicans, by helping to vote it out, would have put the Administration on the spot. The Administration's strategy is to cut down the Negro's bargaining power by making a bipartisan alliance with the Republicans, and enable itself to stand as a champion of moderation, with the least possible damage to its ties with the Southerners and the least possible risk of a kickback from Northern white suburbia. This strategy invites graceful retreats to get the bill out of the Rules committee in the House and through the Senate, which is unlikely to act this session. Unless a vigorous grass roots organizing campaign is begun now, *in the neighborhoods, where effective pressure can be brought to bear on* Congressmen and Senators, what finally emerges from the Senate next February or March will only be a shadow of this bill.

No Thanks to the Attorney General

The day a 3-Judge Federal Court in Georgia declared its incitement to insurrection statute unconstitutional and ordered four civil rights workers held under it set free, Senator Case of New Jersey protested in the Senate against the indifference of the Justice Department to this prosecution. He declared it a "shame" that the Department had not been represented in the court proceedings. He said he had written Attorney General Kennedy to express his disappointment about his "continued reluctance" to act, and received in reply a letter from Bourke Marshall which would be funny if the situation were not so serious. Senator Case said that though it was three months since the original arrests were made and though it had been apparent from the start that the purpose was "to discourage voter registrations by Negroes," the Justice Department was still "investigating." Though few if any papers seemed to report Senator Case's protest, we think it deserves attention. If the students had to depend on the Attorney General, they would still be in jail, facing a possible death penalty under a statute the Supreme Court held void a generation ago in the famous Angelo Herndon case.

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The Fateful Question: Call for A Mobilization of Conscience on Cuba and Vietnam

What If The People, After Diem's Overthrow, Vote for Peace?

The state of mind in Washington in the wake of Diem's overthrow was neatly mirrored in two statements, one before and one after the coup, by Rep. Zablocki *(D. Wis.)*, just back from Vietnam as chairman of a Special Study Mission to Southeast Asia. The day before the coup Zablocki warned against any such attempt. "The lesson of Cuba must not be forgotten," he reported. "Batista was bad but Castro is worse." After the coup Zablocki told the House the U.S. should demand definite commitments for free elections and vigorous prosecution of the war. But what if, in free elections, the people were to vote for peace? Or for reunification with the North under Ho Chi Minh? Would we even risk such a verdict by allowing neutralist, anti-war or pro Communist candidates?

Democracy With A Big But

The answer seems obvious to the victorious Generals. On the one hand they said they would not set up a dictatorship because "well aware that the best weapon to fight communism is democracy and liberty." But in the very next breath they also said that they would not allow "a disorderly democratic regime." In Saigon a street rally calling for a neutralist government was forbidden and its banners torn down. Censorship continues. Only prisoners the military regard as non-communist are being released; only parties they regard as non-communist will be allowed. In practice this means that if there is to be a choice between democracy and continuance of the war, it is democracy that will go.

This is the reality the pro-Kennedy liberals will not allow themselves to see. Saigon is like Paris after the liberation; the people dance in the streets. But the *Washington Post* (Nov. 5) in a leading editorial thinks "the cause of freedom need not sink with the passing of the old government!" This is Orwellianism with a vengeance. "The cause of freedom" is not the Vietnamese desire for freedom from a U.S. supported tyranny; "the cause of freedom" is soap advertising lingo for continuation of cold and hot war. Yet the *Washington Post* goes on sanctimoniously to say that Diem "refused to respond to the feelings of his own people." The conservative *Washington Star's* editorial (Nov. 4) was more honest. If the people turn on a new government "force may have to be used . . . we cannot be too squeamish." If the Vietnamese don't want strategic hamlets, prison for those who oppose the war, napalm on suspect villages, we'll back a new dictatorship. This cabal of Generals headed by a weak turncoat who has served any and every regime foreign and domestic will bring neither peace nor freedom to Vietnam.

In the case of Vietnam, as in that of Cuba, we need a Committee to agitate for a truly democratic foreign policy: peace in Vietnam, lifting of the embargo that strangles hurricane ravaged Cuba. Can America's better conscience be mobilized?

Dr. Pauling and The Moon Race

We are sure the Nobel Peace Prize Committee in Norway will not let itself be disturbed by the petulant editorial in Life Magazine (Oct. 25) calling its award to Dr. Linus Pauling "an extraordinary insult to America." On the contrary the award will encourage all those scientists who stood with Dr. Pauling when his campaign to bring home the dangers of fallout was subjected to derision and smear in such publications as Henry Luce's Life and Time, the foremost journalistic supporters of Dr. Edward Teller.

We would like to see a committee of American scientists formed to take up and spell out in concrete terms Dr. Pauling's protest against the race to the moon in his address to the 100th anniversary of the National Academy of Sciences here Oct. 22. Dr. Pauling said we were at the point "when it would be possible, if only the money were available, to determine the structure of an enzyme" which "determines the way the human body functions." Dr. Pauling cited Prof. Wm. Fowler's claim that when we get to the moon we will know whether the 10 isotopes of tin are present in the same ratios as on the surface of the earth. "For the same amount of money," Dr. Pauling said, "we could answer 1,000 interesting and important questions about the human body and about the world we live in for every one question answered about the moon."

"I believe it is a pitiful demonstration of something wrong with our system of values," Dr. Pauling told the National Academy, "when we are planning to spend 20 or 50 billion dollars to put a man on the moon, principally for reasons of national prestige, rather than putting this money into a sort of engineering that would use essentially the same people, the same computers, the same big instruments to decrease in a really significant way the amount of human suffering on earth."

Why not a report which would draw up a balance sheet of what could be accomplished for human welfare with these funds? Better than a Russo-American agreement for a joint trip to the moon would be an agreement not to make the trip and spend the money on earth instead.

Douglas Reveals How Little U.S. Multimillionaires Pay in Federal Income Taxes

"I rise to state the urgent need for tax reform and to protest its slow and quiet strangulation. There are, in the hearings of the Finance Committee on the pending tax bill, some shocking figures . . . furnished by the Secretary of the Treasury . . . showing that in 1959 there were 20 persons in this country with incomes—adjusted gross incomes—of more than $500,000 who paid not a penny in Federal income taxes in 1959. . . . 15 persons having incomes of more than $1 million [and] 5 persons having gross incomes of more than $5 million who did not pay a single cent in taxes.

"Adjusted gross income does not include interest on State and municipal bonds. It does not include write-offs for drilling and developmental costs in the oil and gas industry. It does not include one-half of capital gains. All these were in addition. . . .

"These figures are shocking when one considers that any worker with a wife and two children who is earning just $100 a week . . . pays about $456 in Federal income taxes. . . .

"Of course, not every multimillionaire escapes wholly tax free, as these five managed to do. But the average multimillionaire comes surprisingly close to achieving just that. . . . There were, in 1959, 37 people whose total incomes . . . came to more than $5 million and they paid on the average a little less than 25% of their total income in Federal income taxes. That is only somewhat higher than the first bracket rate of 20 percent. . . . Furthermore the tax cuts passed since 1954 have gone almost entirely to the large taxpayers."

—From a speech by Douglas of Illinois to the Senate Nov. 1 which few papers reported despite its sensational revelations. Douglas said that since there was no chance of getting a tax bill this year anyway, there was no excuse for the Administration's dropping tax reforms for the sake of a speedy tax cut.

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Glimpses from The Record: Why Senate Liberals Under Morse Want to Cut Foreign Aid

Eight Democratic Senators See Our Latin Arms Program Menace to Democracy

Foreign aid for many years has been supported by a coalition of U.S. military men (anxious to dump obsolete arms, usually at inflated prices), big business (glad to have the "climate" for investment abroad sweetened by U.S. handouts) and humanitarians (ready to support a program top-heavy with military aid to dictators for the sake of a relative trickle of funds for genuinely humane purposes). That coalition is breaking down. In the Senate an alliance of liberals and right wing anti-spenders led by Morse, is trying to cut down a program in which for every 5 cents which may help the poor, 95 cents goes to crooked allies of our military. Because this debate is being poorly covered, we give some excerpts here. The most important of the foreign aid amendments is that by Gruening (Alaska) to to halt further military assistance to Latin America. This was co-sponsored by Ervin (N.C.), Nelson (Wis.), Proxmire (Wis.), Cannon (Nev.), McGovern (S. Dak.), Morse (Ore.) and Smathers (Fla.). Here, abridged, is a bit of Gruening's Senate speech Nov. 1 on the folly of Latin military aid:

By Senator Ernest Gruening

Recent events in the Dominican Republic and Honduras give added emphasis to remarks I made last year about the dangers we were running in continuing to supply arms to Latin America. A year ago those supporting military assistance to Latin America claimed the following five objectives: 1st, hemispheric defense; 2d, standardization of weapons; 3rd, modernization of weapons; 4th, reduction of force; 5th, indoctrination of the military as to their role in a democracy.

That was last year before I showed on the floor of the Senate Aug. 2, 1962 that not only were none of the objectives achieved, but as to some the exact contrary was the result. So this year there is a 'new look' to the presentation of the military assistance program for Latin America.

Now It's "Internal Security"

The new look was described to the Senate Appropriations Committee by Brig. Gen. W. A. Enemark in these terms:

"It is charged that a threat of direct aggression to the hemisphere is not realistic. We agree. It was precisely for that reason that the primary emphasis of our military assistance program for Latin American was changed from hemisphere defense to internal security. . . ."

But under the guise of internal security and civic action, it is still no less a dangerous program and should be stopped. I am not alone in this. On Sept. 28, 1963, our able and distinguished majority whip, Mr. Humphrey, stated: "We will weaken and perhaps cause the failure of the Alliance for Progress unless something is done to implement an effective arms control agreement in this area." And, indeed, only yesterday Mr. Humphrey said: "I thoroughly agree with the Senator from Alaska and other Senators that in most Latin American countries there is a waste of money in the procurement of military equipment. If it is desired to reduce expenditures in the [foreign aid] bill, that is a good place to start."

Indeed it is. Hence my amendment. Since the inception of the Latin American military assistance program in 1951, we have poured over half a billion dollars into Latin America. Let us judge the program on the basis of its performance.

Can we point with pride to Peru where a year ago August military hardware supplied by the U.S. was used by the military forces there to take over from the civilian rulers of that country? Can we point with pride to the Dominican Republic? Can we point with pride to Honduras? There again U.S. arms made possible the coup. In the minds of the people of Peru, the Dominican Republic and Honduras, are we not aligned with the military cliques which have thrown out the governments selected by the people themselves?

Always the usurpers claim they come in to fight Communism, but within the last few days other dispatches told how, on taking over, the junta had jailed Communists, expelled them, and driven them from the Dominican Republic, so that presumably that country was free of Communists. Yet now the government of the Dominican Republic has suspended freedom of speech and freedom of assembly, in order allegedly to prevent Communists from subverting public order. The truth, of course, is that it was done to prevent the people from voicing their opposition. This is what we can expect in every such military takeover.

Our Secret Deal to Aid Franco

"In payment for bases, the U.S. has, through fiscal 1962, extended $1.173 billion in economic aid to Spain and $524 million in military aid. She is down for tens of millions more in military aid next year.

"A few weeks ago it was announced that a new agreement extending our 'leases' has been reached. What is in that agreement is still unknown to the American people and to most of Congress. It is known to call for an undisclosed amount of military aid to Spain. It has also become known that the agreement does not permit the U.S. to use the naval base at Rota for our Polaris submarines. Since the Strategic Air Command bases in Spain are steadily decreasing in importance, it is very difficult for me to see what purpose has been served by this agreement. . . .

"Imagine the hue and cry that would go up if an executive agreement of this kind were worked out in secret—and held in secrecy—with Indonesia, or British Guiana, or Algeria, or some other totalitarian government of the Left. But little is said about a secret agreement with a totalitarian government of the Right. . . ."

—Sen. Morse Nov. 1 on his amendment to cut foreign aid to Spain, Portugal, Greece and Turkey 25%.

Morse Protests NATO's MLF Plan As Scheme to Give Germans Nuclear Arms

"Unless Congress is firm now, the American people are going to find themselves saddled with the cost of another NATO venture, one of the most expensive and least useful —the Polaris-carrying surface fleet. One would think that at a time when the American government has been trying to persuade our NATO partners to start putting up their fair share of the conventional forces, it would have better judgment than to propose a nuclear fleet for which we are offering to pay 40 percent of the cost!

"What a sham we are making of the notion that NATO is a multi-lateral alliance! It is a German-American alliance, as this proposed nuclear fleet makes embarrassingly clear. . . . I have not heard any clamor from the German people to become a nuclear power. They know, as the world knows, that any step in the direction of nuclear weapons for West Germany is considered by the Soviet Union to be a grave threat to her security. . . .

"Of even greater concern to me is the constant implication in all these discussions that once the nuclear fleet is a reality, the U.S. would be willing to give up the control of its warheads. . . . In my opinion, the time for Britain, France, Holland, Italy and Belgium to indicate their rejection of nuclear weapons for Germany is right now."

—Senator Wayne Morse (D. Ore.) Nov. 1 release to press.

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The Story Behind the Raids On An Inter-Racial Lawyers Guild Affair in New Orleans

Eastland and Sourwine Sued for $500,000 in Anti Civil Rights Conspiracy

In South Africa, a brave Judge throws out the indictment of 11 opponents of apartheid for "sabotage" but the defendants are at once rearrested. In Louisiana, another brave Judge, Bernard J. Cocke of the State Criminal Court, throws out charges of Communist conspiracy against James A. Dombrowski, executive director of the Southern Conference Educational Fund, its treasurer Benjamin E. Smith and the latter's law partner, Bruce C. Waltzer. But they find that the private papers illegally seized from them in the arresting raids have been spirited out of the State, to Mississippi and to Washington, for use in further harassing actions by Senator Eastland.

A True Son of the American Revolution

This is the background of the $500,000 suit filed by Dr. Dombrowski and the SCEF in the U.S. District Court here in Washington against Eastland, his counsel Jules Sourwine, the heads of the Louisiana State Police, and the chairman of the Louisiana Un-American Activities Committee. Jim Dombrowski, a saintly man, a Doctor of Theology from Union Theological Seminary, a lifelong fighter for racial justice, himself Southern born, descendant of a Polish General who came here to fight under George Washington, has long been a target of Eastland. Nine years ago, when the informer Paul Crouch named Dombrowski as a Communist before Eastland's Internal Security Committee, Dombrowski denied the charge under oath and Eastland never dared prosecute him for perjury. This hasn't prevented Eastland and his friends Governors Wallace and Barnett from smearing Dombrowski and through him the anti-segregation movement.

The suit charges Eastland and his fellow plaintiffs with conspiracy that was intended to defame and to strike terror among advocates of integration. On Oct. 4, just as the National Lawyers Guild (with the Louisiana chapter of the American Civil Liberties Union) was opening an inter-racial workshop in New Orleans on civil rights, 100 State police raided the meeting, the SCEF offices and the homes of the three men arrested. Smith and Waltzer were taken into custody at the workshop. The streets outside their homes and the SCEF offices were cordoned off for three hours while the premises were ransacked. Next day, perhaps in fear that the charges might not stick, the records were "subpoenaed" from the State Police by Eastland's Internal Security Committee and later (despite a suit for recovery in Federal Court in New Orleans) removed from the State. *South Africa is not the only place where racists ignore court decisions.* The suit against Eastland will test whether they can get away with it.

The Missing Ounce

An Eisenhower appointee to the Federal bench in the District of Columbia, Geo. L. Hart, Jr., a Virginia Republican, has administered an implied rebuke to the Kennedy Administration in the case of Alden Whitman, reconvicted of contempt of the Senate Internal Security Committee. Judge Hart not only suspended a fine of $500 and 6 months in jail but waived any requirement to report during 10 days probation. Judge Hart said the "trials and tribulations" during the eight years the case has been in the courts was punishment enough.

Were this any ordinary case, neither Mr. Whitman nor any of the other seven contempt cases reversed by the Supreme Court last year would have been re-indicted. The same ground on which the Court threw out the indictments makes it doubtful that new convictions can stand on appeal. The Kennedy Administration reindicted rather than risk a fight with the Internal Security Committee and the House Un-American Activities Committee.

It is a commentary on these cases that Judge Hart, who presided over the Whitman retrial and Judge Keech, who presided over the earlier contempt trial of John T. Gojack are refusing to take any more of them and there is difficulty in finding judges here willing to preside over the others. The cases are relics of an atmosphere a decade ago of which most Americans are ashamed. Several of the defendents, like Mr. Whitman, are victims of an attempt by Eastland and his counsel Sourwine, to smear America's greatest newspaper, the New York Times. With just an ounce of courage and moral conviction, the Attorney General might have won applause by refusing to reindict. The ounce wasn't there.

The Haunted Fifties by I. F. Stone (Random House) still available at special reduced rate of $5.35 (postpaid). Specify if you want it autographed.

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